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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>F172322</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/US03/22502</b>	International filing date (day/month/year) <b>08 August 2003 (08.08.2003)</b>	Priority date (day/month/year) <b>09 August 2002 (09.08.2002)</b>
International Patent Classification (IPC) or national classification and IPC <b>IPC(7): H04N 7/025 and US Cl.: 725/32, 34, 35, 36, 109</b>		
Applicant <b>BIES, RICHARD J</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the

PCT).

These annexes consist of a total of 8 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand <b>18 February 2004 (18.02.2004)</b>	Date of completion of this report <b>28 September 2004 (28.09.2004)</b>
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <b>John W Miller</b> Telephone No. <b>703-306-0377</b>

Form PCT/IPEA/409 (cover sheet)(July 1998)

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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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## I. Basis of the report

### 1. With regard to the elements of the international application: \*

- ☐ the international application as originally filed.
- ☒ the description:  
 pages 1-24 \_\_\_\_\_ as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
 pages NONE \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
 pages 25-28, 30 \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
 pages 1-2 \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
 pages NONE \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. STATEMENT

Novelty (N)	Claims <u>8, 15</u>	YES
	Claims <u>1-7, 9-14 and 16-19</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-19</u>	NO
Industrial Applicability (IA)	Claims <u>1-19</u>	YES
	Claims <u>NONE</u>	NO

### 2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

### V. 2. Citations and Explanations:

#### RESPONSE TO ARGUMENT

With respect to independent claims 1, 10 and 16, Applicant's amended to the claims such as "user command" in place of "user search" does not overcome the prior art of record Stettner. Note that when a user interacts with the advertisement via a remote control on any input device (page 5, [0050] and page 6, [0055]), the user's remote control, produces a "user command" which is automatically communicate to the merchant, who fulfills the customer's response to the interactive advertisement (page 1, [0009]; page 2, [0019-0022] and page 6, [0058]); note further that the interactive advertisements contains triggers "commands" which are responsive to user commands received via an user input device, furthermore the interactive advertisement contains data to identify the merchant. Applicant's to the independent claims 1, 10 and 16 lacks novelty and does not overcome the prior art of record, Stettner and also the rejection of claims 8 and 15, i.e., Stettner in view of Lowthert. The Claims still lacks novelty.

Claims 1-7, 9-14, and 16-19 novelty under PCT Article 33(2) as being anticipated by Stettner (US 2002/0104090).

With respect to claims 1, 2, 5, Stettner teaches a cable network content delivery system (Fig. 1) to provide advertising information (paragraph 9) including a data gateway via local studio 106 to store advertising information received over an internet or website 124 of Fig. 1. Set top box (STB)152 serves as an advertising information retriever upon user's command via user input device (page 5, [0050] and page 6, [0055]), STB 152 automatically sends the user's command to the Merchant 122 of the interactive advertisement for additional information relating to the advertisement, which are serviced by advertising information provider 108 (paragraph 32-33, 37-39).

With respect to claim 3, the claimed advertising information may be an advertiser listing, text message, images, etc via a web page (paragraphs 34 and 40).

With respect to claim 4, the claimed two data processors being a cable headend server is met by head end 306 and the claimed master server is met by source 304 of Fig. 3.

With respect to claims 6 and 7, advertisers may be searched by geographical area or type of product, organization, etc via searching for web pages of a company as taught in paragraphs 50, 55, 57, and the above noted sections.

With respect to claim 9, the claimed user command being one of a response to a survey questionnaire and an order for a product is taught in paragraph 51.

With respect to claim 10, the claimed interface unit to receive information from an advertiser via an internet is inherent to source 304 which receives content via internet 302 and processes the content for transmission over the cable network (paragraph 42-44). The claimed gateway to store advertising information and provide it in response to a an information demand is met by head end 306 and associated cache memory 310.

Claims 11-13 are met as noted above in response to claims 3 and 6-7.

With respect to claim 14, the claimed business mediator for validating an order is met by merchant 122 of Fig. 1.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 16-19 are met as noted above in response to claims 1-3, 6-7, and 9-10.

Claims 8 and 15 lack an inventive step under PCT Article 33(3) as being obvious over Stettner (US 2002/0104090) in view of Lowthert (US 2002/009567).

Stettner fails to teach generating a report about the delivery of advertising information indicating the number of times the advertising information was viewed. Lowthert teaches such a report in paragraph 46. One would have been motivated to combine these teachings in order to efficiently track which advertisements are reaching target groups and generating product interest. Therefore, claims 8 and 15 lack the inventive step.

Claims 1-19 meet the criteria set out in PCT Article 33(2)-(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

Claims.

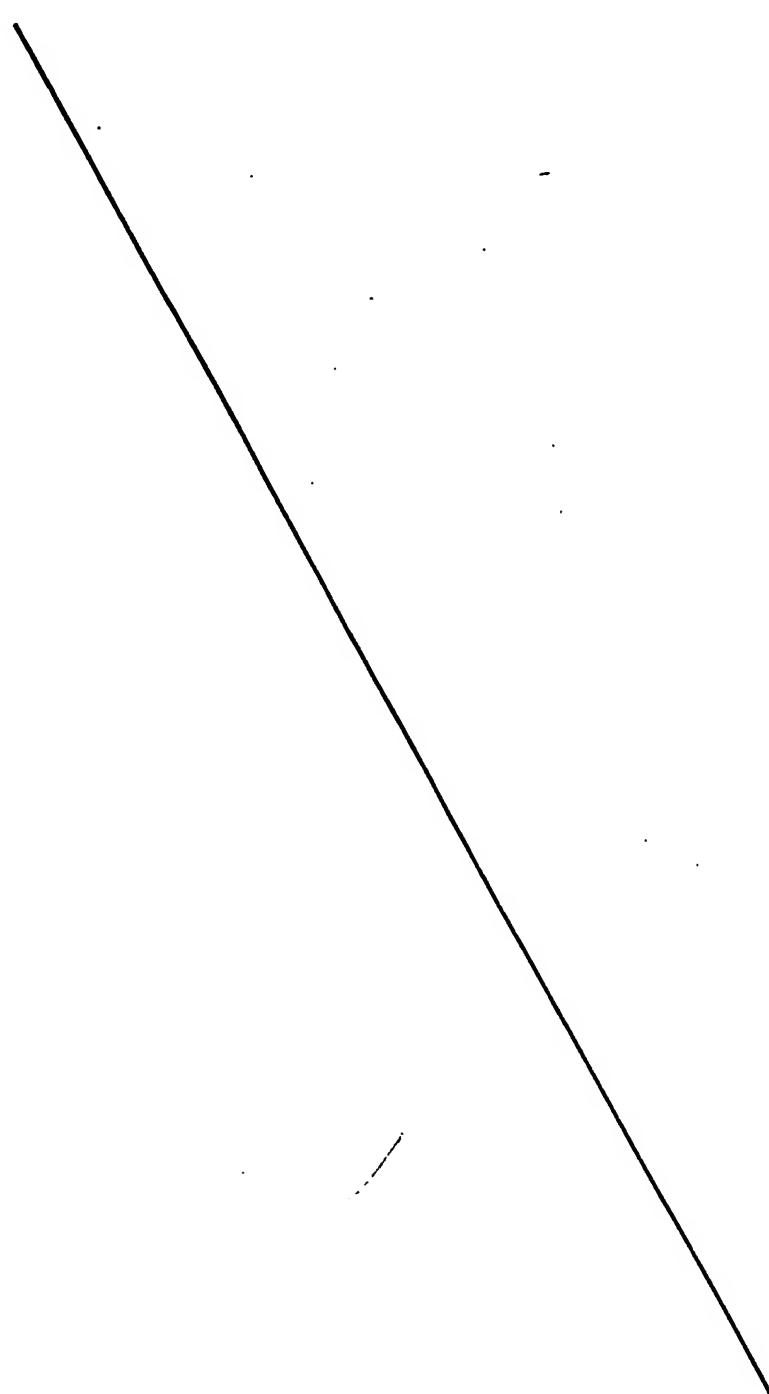
There is claimed:

1. A television network content delivery system configured to provide advertising information via a digital broadcast channel of a television network, said television network content delivery system comprising:
  - a data gateway configured to store the advertising information, the advertising information being adapted by a cable content generator for transmission over the digital broadcast channel of the television network based on content information received from an advertiser over an internet;
  - an advertising information retriever configured to process a user search received via the digital broadcast channel of the television network, and to retrieve the advertising information from said data gateway based on the user search; and
  - an advertising information provider configured to transmit, based on the user search, advertising information retrieved by said advertising information retriever via the digital broadcast channel of the television network.
2. The television network content delivery system of claim 1, wherein the user search is transmitted by a user

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via a set-top box to the digital broadcast channel of the television network.

3. The television network content delivery system of claim 1, wherein the advertising information includes at least



one of an advertiser listing, a text message, a survey questionnaire, a picture, an audio clip, and a video clip.

4. The television network content delivery system of claim 1, wherein the television network content delivery system is implemented as at least two data processors comprising a cable headend server and a master server..

5. The television network content delivery system of claim 1, wherein the user search is an advertiser search command.

6. The television network content delivery system of claim 5, wherein the advertiser search command includes at least one of an advertising information geographic selection and an advertising information temporal selection, selecting, respectively, advertising information designated by the advertiser for a designated geographical area and advertising information designated by the advertiser for a designated time period.

7. The television network content delivery system of claim 5, wherein the advertiser search command is for a

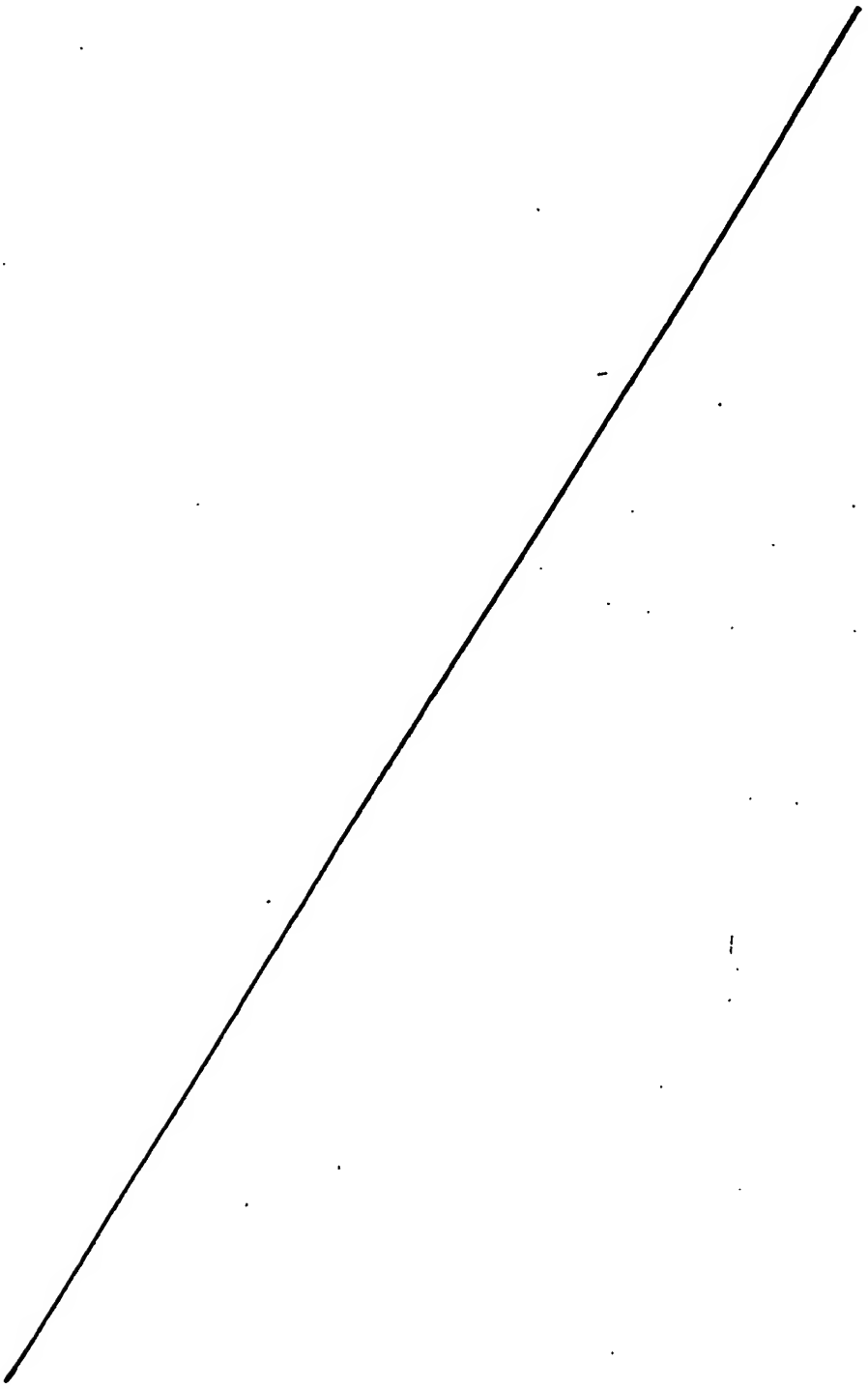


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category of advertising, the category of advertising  
being one of a field of business endeavor of the



advertiser, type of organization of the advertiser, and type of product advertised by the advertiser.

8. The television network content delivery system of claim 1, further comprising a delivery status interface configured to generate a report provided to the advertiser about delivery of the advertising information over the digital broadcast channel of the television network, the report indicating the number of times the advertising information was viewed.

9. The television network content delivery system of claim 1, wherein the advertising information retriever is further configured to process another user search including one of a response to a survey questionnaire transmitted to the user as the advertising information and an order for a selected product.

10. An advertising content interface configured to provide advertising information adapted for transmission over a digital broadcast channel of a television network by a television network headend, said advertising content interface comprising:

an interface unit configured to receive content information from an advertiser via an internet;

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a cable content generator configured to process the  
content information received by said advertiser

interface and to generate advertising information adapted for transmission over the digital broadcast channel of the television network; and  
a data gateway configured to store the advertising information generated by said cable content generator and to respond to an information demand from the digital broadcast channel of the television network by providing the advertising information to the television network headend for transmission over the digital broadcast channel of the television network.

11. The advertising content interface of claim 10, wherein the data gateway provides the advertising information to the television network headend for transmission over the digital broadcast channel of the television network responsive to the information demand, the information demand being a transmission of a user search over the digital broadcast channel of the television network by a user.

12. The advertising content interface of claim 10, wherein the content information includes at least one of a geographic parameter and a temporal parameter, such that the digital broadcast channel of the television network transmits the advertising information

receiving via the digital broadcast channel of the television network an advertising search and retrieving the stored advertising information according to the advertising search; and providing the retrieved advertising information via the digital broadcast channel of the television network.

17. The method of claim 16, wherein the advertising information includes at least one of an advertiser listing, a text message, a survey questionnaire, a picture, an audio clip, and a video clip.

18. The method of claim 16, wherein the advertising search includes at least one of an advertising information geographic selection and an advertising information temporal selection, selecting, respectively, advertising information designated by the advertiser for a designated geographical area and advertising information designated by the advertiser for a designated time period.

19. The method of claim 16, further comprising processing a user search including at least one of a response to a survey questionnaire transmitted as the advertising information and an order for a selected item based on the advertising information.

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